

**STATE OF CONNECTICUT  
DEPARTMENT OF DEVELOPMENTAL SERVICES**

**Procedure No:** I.F.PO.002.PR.001

**Subject:** Transfer Procedure

**Section:** Human Rights and Legal Responsibilities

**Issue Date:** June 28, 2010

**Effective Date:** Upon Release

**Approved:** /s/Peter H. O'Meara/KdP

**A. Purpose**

The purpose of this procedure is to establish a consistent practice related to the transfer of an individual from a residential facility operated, licensed, or funded by the DDS to another such program.

**B. Applicability**

This procedure shall apply to any individual who is a consumer of the Department of Developmental Services and who resides in a residential facility that is operated, licensed, or funded by DDS and a transfer is proposed.

This procedure shall be implemented by all case managers, case management supervisors and other DDS staff responsible for transferring an individual from a residential facility that is operated, licensed, or funded by DDS to another such program.

**C. Definitions**

Refer to definitions in Transfer Policy No. I.F.PO.002.

**D. Implementation**

1. The transfer of an individual may be initiated due to the following reasons:

- a. A determination by the Commissioner or Regional Director of the DDS that the transfer is necessary due to a medical reason or emergency.
- b. A determination by the individual's Planning and Support Team. See policies and procedures related to I.B.1., Planning and Resource Allocation; I.C.1., Case Management/Broker Services; and I.C.2., Individual Support.
- c. The individual or the individual's parent, guardian, conservator or legal representative exercises portability to use the person's funding and resources to change service providers and/or location.

2. Notice of Intent to Transfer

- a. Once the determination of a transfer has been made for a reason other than due to a medical reason, an emergency situation, portability or the administrative closure of the existing residence, and appropriate planning has occurred; the DDS must inform the individual and the individual's parent, guardian, conservator, or other legal representative and the Office of Protection and Advocacy (OPA) of the intent to transfer through a Notice of Intent to Transfer.
- b. The Notice of Intent to Transfer must be sent via certified mail at least ten days prior to the proposed transfer by the DDS case manager.
  - (i) The Notice of Intent to Transfer shall be signed by the case manager and co-signed by the Regional Director or designee.

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(ii) The notice must be issued in transfer situations as defined in Section 1 above, including those in which the individual and the individual's parent, guardian, conservator or legal representative initiated and/or participated in the planning process and are in agreement with the proposed transfer.

(iii) The notice shall contain the date and location of the proposed transfer, notice of the right to object to the proposed transfer, the right to a hearing on the proposed transfer, and the name, address and telephone number of a representative from the OPA.

(iv) A copy of the notice shall be sent to a representative of the individual's current residential program and a copy shall be placed in the individual's Master File by the case manager.

c. In the event the transfer is due to an emergency or medical reason, the individual and the individual's parent, guardian, conservator, or other legal representative shall be given notice of the right to object to the transfer within 10 days following the emergency transfer. They will follow the objection to transfer process outlined in Section 3 following.

**3. Objection to Transfer**

a. In the event the individual or the individual's parent, guardian, conservator, or other legal representative objects to the proposed transfer, the individual or representative shall notify the case manager on the "Objection to Transfer" form, sent with the "Notice of Intent to Transfer".

(i) The case manager shall inform his supervisor, the Regional Director or designee and the PRAT Chairperson of the objection to the proposed transfer.

(ii). A copy of the objection will also be faxed to the DDS Division of Legal and Government Affairs.

b. In the event the individual or the individual's parent, guardian, conservator or legal representative objects to the proposed transfer, the transfer shall not take place, pending the disposition of the hearing.

**4. Transfer Hearing**

a. The Commissioner, through the Division of Legal and Government Affairs, shall appoint a Hearing Officer.

b. The Hearing Officer shall promptly schedule and conduct the hearing, in accordance with the relevant provisions of the Uniform Administrative Procedure Act (UAPA), Chapter 54 of the Connecticut General Statutes.

c. At the hearing both parties shall present evidence regarding the reasons for and against the transfer. The proponent of the transfer shall have the burden of showing, by clear and convincing evidence, that the proposed transfer is in the best interest of the individual being considered for transfer; and that the facility and programs to which transfer is proposed;

(i) are safe and effectively supervised and monitored; and

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(ii) provide a greater opportunity for personal development than the individual's present setting.

d. The Hearing Officer shall render a written decision within twenty (20) working days after the hearing and send it to the Commissioner.

e. The decision of the Commissioner or the Commissioner's designee shall be final. This decision shall be shared in writing with the individual, the individual's parent, guardian or legal representative, the case manager and the Regional Director.

f. If the individual or the individual's parent, guardian, conservator or legal representative is aggrieved by the decision of the Commissioner, it may be appealed to the Superior Court as outlined in the UAPA.

g. No hearing shall be required if the Commissioner withdraws the proposed transfer.

**E. References**

Connecticut General Statutes

Sections 17a-210 et seq.: Department and Commissioner of Developmental Services  
Chapters 54 et seq.: Uniform Administrative Procedure Act

Regulations of Connecticut State Agencies

Section 17a-230-13

External

Federal Registry

42 C.F.R. 442.1 through 442.119 – ICF/MR Regulations

**F. Attachments**

I.F.PO.002.PR.001 Attachment A: [Notice of Intent to Transfer](#)

I.F.PO.002.PR.001 Attachment B: [Objection to Transfer](#)

I.F.PO.002.PR.001 Attachment C: [Transfer Fact Sheet](#)

I.F.PO.002.PR.001 Attachment D: [Public Home Closure Notification and Right to Hearing](#)